



Town of Berwyn Heights

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MAYOR
Amanda M. Dewey

COUNCIL MEMBERS
Jodie A. Kulpa-Eddy (Mayor Pro Tem)
Christopher S. Brittan Powell
Jason W. Papanikolas
Ethan D. Sweep

Worksession Minutes June 15, 2020 | 7:00 pm

This meeting was held by videoconference due to the ongoing COVID-19 health emergency, which prohibits large gatherings and advises Marylanders to remain socially distant. The meeting was broadcast on Berwyn Heights cable TV channels and streamed on the Town website. Residents were given the opportunity to comment by telephone and email.

The meeting was called to order at 7:05 p.m. Present were Mayor Dewey, Mayor Pro Tempore (MPT) Kulpa-Eddy, Councilmembers (CMs) Christopher Brittan-Powell, Jason Papanikolas, and Ethan Sweep. Also present were Chief of Police Kenneth Antolik, Lieutenant Daniel Unger, and Town Clerk Kerstin Harper.

1. Announcements

Mayor Dewey announced that Prince George's County has started phase two of reopening following the COVID-19 related closures; that the Recreation Council is hosting a virtual live-streamed concert on June 18 and that the BHPD has concluded its food drive.

2. Discussion Items

Policing policies review and discussion: Mayor Dewey welcomed Chief Antolik and Lieutenant Unger for what will be an ongoing discussion about BHPD policing policies and practices following the protests over the killing of George Floyd. The discussion will seek to 1. answer questions, including those received from residents, 2. Inventory what BHPD is already doing in terms of good policing practices; 3. Identify practices that might be formalized as policies and 4. Consider new ideas and initiatives that might be adopted.

Chief Antolik gave an overview of BHPD's policing policies and practices with a focus on use of force and accountability. He said BHPD's policies, as outlined in its Administrative and Operational Manual (General Orders) posted on the Town website, parallel those in the process of being drafted at the national level. They provide for the following:

- Forbid chokeholds;
- Mandate progression of force, beginning with verbal interactions and escalating to various levels of force only if necessary;
- Engage with the community;
- Demonstrate accountability by responding to calls for assistance around the clock, and answer citizen inquiries and complaints.

Q & A: Chief Antolik and Lt. Unger responded to Councilmembers questions about policing:

Civilian bystanders who are witnessing a detainee experiencing a medical emergency while being arrested by police should tell a supervisor who may be on scene that he requires help, but not risk their own safety by intervening. BHPD officers are bound to protect life and have a 'duty to intervene' if a detainee is at risk of serious injury or death.

BHPD has a rigorous hiring process to find officers that are a good fit for Berwyn Heights. It includes a state-mandated psychological screening, polygraph exam, drug screening and a physical fitness test, as well as an agility test and a written exam. As part of the background investigation, the BHPD detective interviews neighbors, co-workers, family and others and performs credit and social media checks to screen candidates. The entire process usually takes 6 to 8 months to complete.

The Maryland Training Commission is vested with the authority to certify law enforcement officers. All officers undergo regular in-service and firearms training to be recertified every two years. The Commission also maintains a list of decertified officers.

BHPD develops its policing policies by reviewing the policies of other agencies and adapting them for Berwyn Heights. One of the Chief's goals is to obtain accreditation for BHPD, but this is not possible with the station being in the current leased location. The building does not meet security requirements.

BHPD has an open-door policy for residents to voice concerns about policing issues. This includes Black residents and others who may experience anxiety about the current tensions between police and their communities. Officers who experience stress have access to counseling and they may be ordered to get counseling if they have been involved in a traumatic incident. Within Berwyn Heights' small police force supervisors are able to tell if an officer is not himself and requires help.

BHPD has been proactive in developing programs to engage different populations, from Latinos to seniors to youth, and is trying to find new ways to reach out during the pandemic.

BHPD officers do not respond to calls for service unarmed, even if the situation seems not to require an armed officer. Firearms are part of their uniforms. BHPD makes use of its officers who have counseling and social service backgrounds to de-escalate situations and encourage voluntary compliance with the law. However, not every incident can be de-escalated.

In the event BHPD receives a call from a person who may harm him or herself, officers are required to get them help. Depending on the seriousness of the situation, the person may be taken to a hospital to be evaluated.

Discussion: Councilmembers sought to clarify which things BHPD does in practice that could be written down as policies to make policing standards transparent and applicable in the future. Chief Antolik and Lt. Unger responded as follows:

- When responding to a call, BHPD will seek to engage the persons involved. De-escalation of conflicts is the objective but is contingent on the situation. It may be a written policy.
- BHPD is required to use a force continuum as part of its written use of force policy. The policy is reviewed regularly in training and will be re-evaluated when national standards are enacted.
- BHPD officers are required to intervene if an officer uses excessive force or abuses a suspect. It is a written policy in the General Orders posted on the website.
- With respect to the acquisition of equipment and vehicles, guidance was not provided to BHPD when the Council decided to return a controversial Humvee obtained in 2017 as an emergency vehicle through a military surplus program. However, BHPD did go up the chain of command

to obtain approval from the Town Administrator and Mayor and does so for any other significant equipment purchases. A policy for acquiring novel equipment might be useful.

- Berwyn Heights is too small to require military type equipment for policing. In terms of uniforms, BHPD officers mostly wear traditional police uniforms when on duty and khakis and polos when engaging with the community. They do not have military style uniforms.
- BHPD officers are required to wear body cameras when on duty per written policy. When interacting with civilians they must announce that the camera is recording and turn it off if requested to do so. Cameras have a monitor in which people can see themselves being recorded. Upon return to the station, the footage is uploaded for storage and may be viewed by the public upon request, with exception of footage taken in private homes. Lt. Unger is responsible for the camera program and randomly reviews footage. Footage marked as evidence is kept for 2 years.

New ideas & initiatives: Chief Antolik and Lt. Unger said they believe their relationship with Town residents is good and that they are ahead of the curve in community policing. Prior to the pandemic, BHPD engaged with the community on a regular basis. Right now, morale is low because of Covid-19 restrictions and the nationwide protests. Once things return to normal, BHPD and the Council might get together to come up with new outreach programs, while reviewing what works in other cities. BHPD would also like to have a new headquarters so that it can become an accredited agency.

In response to Council questions and suggestions, Chief Antolik said:

- BHPD is willing to work with a citizens' accountability board that would review police conduct and use of force and make recommendations for improvements.
- BHPD is not currently a member of a police union. Larger police departments often have a union or a Fraternal Order of Police to collectively bargain with their employers.
- BHPD will look into hosting a virtual coffee with a cop.
- BHPD officers normally attend many workshops and seminars to train for the wide variety of service calls they respond to, from wellness checks to domestics to armed robberies. Training is made available to all officers and the clerk, not just the leadership. Some training is mandated by the State and often seeks to address current trends, such as dealing with autism or an increase in fraud. Currently, the training is mostly virtual, which is not as effective.

Mayor Dewey suggested it would be beneficial for the Town and its police officers to participate in a police program offered by the University of Maryland's Lab of Applied Social Science Research covering implicit bias, virtual reality and providing community resources. She will look into cost and dates and come back with specifics.

Citizen & Council Comments:

Shira Singer, Berwyn Road, asked via email whether BHPD would be interested in undertaking a racial justice campaign, possibly using yard signs or other publicity. Chief Antolik replied he is interested in anything residents suggest and recommended contacting him for setting up a conversation.

Councilmembers expressed their appreciation for Chief Antolik and Lt. Unger agreeing to have this difficult conversation and working together to make the Town more welcoming. The conversation showed that BHPD already has many accountability measures in place, one of them being the posting of its policies online for all to see. BHPD's ride-along program was recommended as valuable for Councilmembers to understand what the police are experiencing on the beat.

3. Minutes

There were none.

4. Department Reports

MPT Kulpa-Eddy announced a virtual concert on June 18. CM Brittan Powell reported he is setting up meetings with the Code Director and staff to learn in more detail how the department operates. CM Sweep reported that the Public Works Department is running smoothly and reminded everyone not to litter. Further, he noted the Supreme Court ruled that gender identity and sexual orientation are covered by the Civil Rights Act of 1964, thus outlawing discrimination in hiring LGBTQ people. CM Dewey said the Green Team is not holding Town cleanups during the pandemic but will lend its grabbers to anyone who wants to pick up litter individually. When visiting crowded Lake Artemesia park, everyone is requested to follow the one-way rule and other social distancing measures.

5. Town Council Schedule

The Council will attend a virtual conference of the Maryland Municipal League on June 29-30, hold a worksession on July 6 and Town meeting on July 8 via video conference.

6. Citizen Comments

There were none.

The meeting was adjourned at 8:50 p.m.

Signed: *Kerstin Harper*, Town Clerk